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BY ECF

Hon. Andrew L. Carter Jr.
United States District Court, Southern District of New York
40 Foley Square
New York, NY 10007

Re: Atlus Co., Ltd. v. John Doe 1 d/b/a Rekuimu Games, et al. Case No. 1:21-cv-11102 (ALC)

Dear Judge Carter:

We represent Plaintiff Atlus Co., Ltd. (“Atlus”) in the above-captioned case. We write to follow-up on our January 26, 2022 request for a pre-motion conference with the Court concerning Atlus’ request for leave to conduct expedited discovery via third-party subpoenas aimed at identifying the John Doe Defendants in this case. (ECF No. 8.) Without such expedited discovery, Atlus cannot identify the Doe defendants, serve the Complaint on them, or amend the Complaint to name them.

We are following up with the Court presently because Atlus’ deadline to serve the Complaint is approaching. Specifically, Atlus filed its Complaint on December 28, 2021. Pursuant to Federal Rule of Civil Procedure 4(m), absent leave from the Court extending Atlus’ time to serve, Atlus’ deadline to serve the Complaint is March 28, 2022.

If the Court permits Atlus to serve the expedited discovery in the near future, it is Atlus’ hope that it will be able to identify the Doe defendants and seek leave to amend the Complaint to name them before the March 28, 2022 deadline. But in light of this approaching deadline, Atlus wants to alert the Court that it may need to move the Court to extend its time to serve the Complaint under Rule 4(m). *See, e.g., Strike 3 Holdings, LLC v. Doe*, 2021 WL 5310998, at *3 (W.D.N.Y. Oct. 12, 2021) (“Plaintiff’s inability to identify [Defendant] constitutes ‘good cause’ under Rule 4(m) for the requested extension” of time to serve a complaint) (citation omitted).

We appreciate the Court’s attention to this matter. We are available should the Court have any questions or want to have a conference to discuss any issues with Atlus.

Respectfully submitted,

/s/ Jason D. Jones

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